

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CARL PATRICK, JR.

PETITIONER

VS.

CIVIL ACTION NO. 3:12-CV-14-DPJ-FKB

RONALD KING

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation [9] of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Ball recommended dismissal of Patrick's petition for writ of habeas corpus without prejudice for failure to exhaust state court remedies. Petitioner failed to respond to Respondent's Motion to Dismiss [8] and, though any objection to the Report and Recommendation was due on July 11, 2012, no objection was filed. The Report and Recommendation addressed to Patrick was returned to the Court, noting that he was no longer housed at that address and that there was no forwarding address on file—despite the Court's warning to Patrick in its prior Order [5] that his failure to keep the Court informed of his address may result in dismissal of his case.

The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 23rd day of July, 2012.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE